

positioning terminology employed by the Examiner in the Office Action (*i.e.*, storage and extended) shall be employed to simplify a comparison of the present claimed invention and the disclosure of Crisp.

The First Embodiment of the present claimed invention (claims 1-11) is directed to personal watercraft having a plurality of pontoons repositionably attached to the hull wherein the pontoons are laterally and longitudinally repositionable within a single plane relative to the hull as between a storage position in which the pontoons are generally longitudinally aligned relative to the hull and have a minimized lateral distance between the pontoons with at least a portion of the pontoons transversely positioned underneath the deck, and an extended position in which the pontoons are shifted aft relative to the longitudinally aligned storage position and have a maximized lateral distance between the pontoons. The storage position (*i.e.*, minimized lateral distance and underneath the deck) is shown in FIGs 4 and 6 while the extended position (*i.e.*, maximized lateral distance) is shown in FIGs 4 and 6. A copy of FIGs 4-6 are attached with the pontoons highlighted in pink when in the storage position, and highlighted in green when in the extended position.

The **Crisp** patent discloses a portable boat having a pair of pontoons repositionably attached to the hull as between (i) a nested position in which the pontoons are generally longitudinally aligned and tucked underneath the hull, (ii) a storage position in which the pontoons are shifted upward and laterally outward relative to the nested position, and (iii) an extended position in which the pontoons are shifted laterally outward and aft relative to the storage position. A copy of FIGs 2 and 5 are attached with the pontoons highlighted in yellow when in the nested position, highlighted in pink when in the storage position, and highlighted in green when in the extended position.

The Examiner's explanation of the basis for the rejection of claims 1-7 and 9-11 over Crisp, set forth in paragraph 11 of the Office Action, indicates that the Examiner has mistakenly combined positional aspects of the nested position of the pontoons (*e.g.*, pontoons transversely positioned underneath the deck) and the storage position of the pontoons (*e.g.*, laterally and longitudinally repositionable within a single plane as between the extended position of the

pontoon and the storage position of the pontoons) in an effort to achieve the present claimed invention. Such a combination is wholly inappropriate. The pontoons of Crisp simply cannot be repositioned within a single plane as between a first position in which the pontoons are generally longitudinally aligned relative to the hull and have a minimized lateral distance between the pontoons with at least a portion of the pontoons transversely positioned underneath the deck, and a second position in which the pontoons are shifted aft relative to the longitudinally aligned storage position and have a maximized lateral distance between the pontoons.

## CONCLUSION

Applicant respectfully submits that all pending claims (claims 1-17, 20-24, 26-27 and 29-37) are in condition for allowance.

Respectfully submitted,

Date

14 Aug 95

By

  
Michael S. Sherrill, #32,302  
SHERRILL LAW OFFICES, PLLC  
4756 Banning Avenue, Suite 212  
White Bear Lake, Minnesota 55110-3205  
(651) 426-2400